



City Council Meeting Amended Agenda

Tuesday, October 25, 2022

1:30 PM

Hybrid Meeting - Council Chambers and Virtually -

<https://sanjoseca.zoom.us/j/88957084529>

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, DISTRICT 10



The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.
- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that the name on the card is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants by calling speakers in an orderly manner.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The total amount of time allocated for public testimony for each public speakers or for an agenda item may be limited at the Mayor's discretion, depending on the number of speakers or the length of the agenda. (California Government Code Section 54954.3; Council Policy 0-37)
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <https://www.sanjoselegistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov.

American Disability Act: To request an alternative format agenda under the Americans with Disabilities Act for City-sponsored meetings, events or printer materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Accommodations: Any member of the public who needs accommodations should email the ADA Coordinator at ADA@sanjoseca.gov or by calling (408) 535-8430. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

On occasion the City Council may consider agenda items out of order.

*** COVID-19 NOTICE ***

Consistent with AB 361 and City of San José Resolution Nos. 80628, 80659 and 80685, Councilmembers may be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

How to submit written Public Comment before the City Council Meeting:

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the legislate application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 10:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under “Letters from the Public.” Please identify the Agenda Item Number in the subject line of your email.

How to submit written Public Comment during the City Council Meeting:

- 1) Email during the meeting to councilmeeting@sanjoseca.gov, identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

How to provide spoken Public Comment during the City Council Meeting:

- 1) By Phone: (888) 475 4499. Webinar ID is 889 5708 4529. Click *9 to raise a hand to speak. Click *6 to unmute when called.
Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)
- 2) Online at: <https://sanjoseca.zoom.us/j/88957084529>
 - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
 - c. When the Mayor calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
 - d. When called, please limit your remarks to the time limit allotted.

• Call to Order and Roll Call

9:30 a.m.- Closed Session
See Separate Agenda

[22-1576](#) Closed Session Agenda

Attachments [Closed Session Agenda](#)

1:30 p.m.- Regular Session

6:00 p.m.- Evening Session

*Will not begin until 6 p.m. or until after all afternoon items are heard, whichever is later.

- Pledge of Allegiance
- Invocation (District 9)

Beth Kile, Author of Haunted San José.

- Orders of the Day

To be heard after Ceremonial Items

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

1.1 Presentation of a proclamation declaring October 2022 as Arts and Humanities Month to continue to celebrate the arts and highlight the importance of them to our community. (Carrasco)

1.2 Presentation of a proclamation recognizing October 2022 as Hindu American Awareness and Appreciation Month to celebrate the culture, history, traditions, achievements, and contributions of the Hindu American community living throughout San José. (Foley)

1.3 Presentation of a proclamation declaring October 2022 as Cybersecurity Awareness Month to encourage residents to build positive habits securing their information in our practices at home, school, and work. (Mahan)

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 [22-1558](#) Amendment to the Master Consultant Services Agreement with Abadjis Systems, Ltd. for Airport On-Call Professional Consulting Services.

Recommendation: Approve a Fourth Amendment to the Master Consultant Services Agreement with Abadjis Systems, Ltd. for project management services, extending the term from December 31, 2022 to December 31, 2023 and increasing maximum compensation from \$285,000 to \$485,000.

CEQA: Not a Project, File No. PP17-003, Agreements /Contracts resulting in no physical changes to the environment. (Airport)

Attachments [Memorandum](#)
 [Agreement](#)

- 2.8** [22-1171](#) **Extension of AB 361 Implementation to Allow Teleconferenced Public Meetings and Modified COVID Sunshine Resolution and Procedures to Continue through November 24, 2022 during the Governor's Proclaimed COVID State of Emergency.**

Recommendation: Adopt a resolution finding the continued existence of the need to extend AB 361 implementation and amending the City's Consolidated Open Government and Ethics (Sunshine) Resolution No. 77135 to incorporate the Governor's proclaimed COVID state of emergency to allow City legislative bodies and Joint Power Authority legislative bodies for which the City serves as lead staffing agency to hold public meetings solely by teleconference or otherwise electronically pursuant to AB 361; to modify agenda noticing and document posting; and to incorporate all future Governor's Executive Orders regarding the Brown Act into the City's open government procedures, as deemed appropriate by the City Clerk and City Manager, without further Council action.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

Attachments [Memorandum](#)
 [Resolution](#)

- 2.9** [22-1559](#) **Actions Related to the Purchase Order with Jervis B. Webb Company for Airport Baggage Handling System Server Upgrade.**

Recommendation: Adopt a resolution authorizing the City Manager to issue a purchase order to Jervis B. Webb Company (Novi, MI) for software and related professional services, including five years of maintenance and support, to upgrade and configure the Norman Y. Mineta San José International Airport baggage handling system servers for a maximum compensation not to exceed \$426,608 for a one-year term beginning on or about November 1, 2022 and ending October 31, 2023, and negotiate and execute change orders and amendments as required for a contingency not to exceed \$20,000 for any unanticipated changes in requirements, subject to the appropriation of funds.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Finance)

Attachments [Memorandum](#)

2.10 [22-1560](#) Cooperative Agreement with Prime Government Solutions, Inc. for an Agenda and Meeting Management Solution. - DROP

Recommendation:

Adopt a resolution authorizing the City Manager to:

- (a) Negotiate and execute an agreement with Prime Government Solutions, Inc. (Austin, TX) for an agenda and meeting management solution, including related professional services such as implementation, training, support, and maintenance, for an initial one-year term beginning on or about October 26, 2022, and ending on or about October 25, 2023, with an initial term maximum compensation not to exceed \$185,980, subject to the appropriation of funds;
- (b) Negotiate and execute amendments and change orders as required for any unanticipated changes for a contingency amount not to exceed \$50,000 during the initial one-year term, subject to the appropriation of funds; and
- (c) Exercise up to nine one-year options to extend the term of the agreement and the software licenses with the last option ending on or about October 25, 2032, in alignment with the software renewal term, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

(Finance/Information Technology/Public Works/City Manager)

DROP

Attachments [Memorandum](#)

2.11 [22-1561](#) Amendment to the Agreement with Cal Engineering and Geology, Inc. for Engineering Services for - FEMA Kelley Park Storm Outfall and FEMA Alum Rock Park Mineral Spring Bridge Embankment Projects.

Recommendation:

Approve the Second Amendment to the Standard Agreement with Cal Engineering and Geology, Inc. to extend the term from October 31, 2022, to October 31, 2024, and increase the maximum compensation from \$659,312 to \$754,540 for the sole purpose of completing the FEMA Kelley Park Storm Outfall (SCSJC88/PW1137) and FEMA Alum Rock Park Mineral Spring Embankment (SCSJG01/PW745) projects.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

Council Districts 4 and 7. (Public Works)

Attachments [Memorandum](#)
[Agreement](#)

2.12 [22-1562](#) Amendment to the Master Agreement with RRM Design Group for Landscape Architectural Services for Various City Facility Projects.

Recommendation: Adopt a resolution authorizing the City Manager to negotiate and execute a First Amendment to the Master Agreement for consultant services with RRM Design Group (CPMS Contract No. 9192) increasing the maximum total compensation by \$500,000 from \$750,000 to \$1,250,000, extending the term from December 31, 2022 to June 30, 2026, and adopting a new Schedule of Rates and Charges for the sole purpose of completing the Columbus Park Soccer Facility Project.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Public Works)

Attachments [Memorandum](#)

2.13 [22-1563](#) Amendment to the Funding Agreement with the Peninsula Corridor Joint Powers Board for the Diridon Integrated Station Concept Plan.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute the second amendment to the Funding Agreement between the City of San José and the Peninsula Corridor Joint Powers Board to increase the City's contribution by \$1,000,000, from \$718,734 to \$1,718,734.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council Districts 3 and 6. (Transportation)

Attachments [Memorandum](#)

2.14 [22-1564](#) City Initiatives Roadmap - Vision Zero Traffic Safety: Consulting Services for King Road Complete Streets Plan.

Recommendation: Adopt a resolution authorizing the City Manager or designee to negotiate and execute a consulting services agreement with MIG, Inc. for the King Road Complete Streets Plan from the date of execution through June 30, 2024, for an amount not to exceed \$451,000.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. Council Districts 5, 7, 8. (Transportation)

Attachments [Memorandum](#)

2.15 [22-1598](#) Boards and Commissions Appointment.**Recommendation:**

Approve the following Boards and Commissions appointment:

(a) Library and Education Commission:

(1) Early Childcare Seat 2: Appoint Kristen Brown for a term ending June 30, 2026.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)

[Rules Committee referral 10/19/2022 - Item A.1.a]

Attachments

[Memorandum](#)

[Conflicts of Interest Memorandum](#)

[Application](#)

2.16 [22-1612](#) Lateral Firefighter Paramedic Hiring Incentive Pilot Program.**Recommendation:**

Adopt a resolution approving the terms of a Side Letter Agreement between the City of San José and the International Association of Firefighters, Local 230 for a Lateral Firefighter Paramedic Hiring Incentive Pilot Program, effective October 30, 2022 through June 30, 2023, subject to the annual appropriations of funds.

CEQA: Not a Project, File No. PP17 008, General Procedure and Policy Making resulting in no change to the physical environment. (City Manager)

[Rules Committee referral 10/19/2022 - Item A.1.a]

Attachments

[Memorandum](#)

[Resolution](#)

3. STRATEGIC SUPPORT**3.1 Report of the City Manager, Jennifer Maguire (Verbal Report)****3.2 Labor Negotiations Update.**

Accept Labor Negotiations Update.

TO BE HEARD AT 9:30 A.M.

3.3 [22-1565](#) Award of Contract for the 10038 - Norman Y. Mineta San José International Airport New Taxiway Victor, Phase 1 Project.

Recommendation: (a) Report on bids and award of contract for the 10038 - Norman Y. Mineta San José International Airport - New Taxiway Victor Phase 1 Project to the lowest responsive bidder, Granite Construction Company, for the base bid in an amount of \$9,851,018.60.
(b) Approve a 10% contingency in the amount of \$985,101.86.
CEQA: Determination of Consistency with the Norman Y. Mineta San José International Airport Master Plan Amendment Environmental Impact Report, File No. ER22-021, New Taxiway Victor Project at the Norman Y. Mineta San José International Airport. (Public Works/Airport)

Attachments [Memorandum](#)

3.4 [22-1566](#) Award of Contract for the 9703 - Large Trash Capture Device Installation Project - Phase VII.

Recommendation: (a) Report on bids and award of contract for the 9703 - Large Trash Capture Device Installation Project Phase VII to the lowest responsive and responsible bidder, KJ Woods Construction, Inc., in the amount of \$7,488,000; and
(b) Approve a construction contingency of 15% in the amount of \$1,123,200.
CEQA: Categorically Exempt, File No. ER21-299, CEQA Guidelines Section 15301, Existing Facilities, adopted on March 17, 2022. Council Districts 4, 5, 6, 8, and 10. (Public Works)

Attachments [Memorandum](#)
 [Presentation - est. 5 minutes](#)

4. PUBLIC SAFETY SERVICES

5. TRANSPORTATION & AVIATION SERVICES

5.1 [22-1567](#) Proposed Addition to Air Service Support Program.

Recommendation: Adopt a resolution revising the Airport Air Service Support Program to provide additional benefits for domestic and international new entrant carriers that have not previously served our airport with scheduled commercial flights, including fee waivers for ticket counters and boarding gates, and additional marketing funds on a case-by-case basis with City Council's approval for airlines that meet the program's threshold requirements, and repeal Resolution No. 79885.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Airport)

Attachments [Memorandum](#)
 [Resolution](#)

5.2 [22-1568](#) Public Hearing for New Air Service Support Program for ZIPAIR Tokyo.

Recommendation: (a) Conduct a Public Hearing pursuant to California Government Code Section 53083 regarding application of the City's Air Service Support Program, as authorized by the Federal Aviation Administration, to ZIPAIR Tokyo.
 (b) Adopt a resolution authorizing the Director of Aviation or the Director's designee to provide the City's Air Service Support Program to new air carrier service as outlined below:
ZIPAIR Tokyo Estimated Impact:
Airport Served: Tokyo Narita
Frequency: Up to Daily
Period of Support: 18 Months
Total Airport Fees to be Collected: \$4,148,332
Passenger Spend and Benefits: \$549,822
Total Revenue to SJC: \$4,698,154
Support Program Fee Waivers: \$1,673,031
Dedicated Marketing Funds: \$600,000
Total Fee Waivers and Marketing: \$2,273,031
Net Impact to SJC: \$2,425,123
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Airport)

Attachments [Memorandum](#)
 [Resolution](#)

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 [22-1569](#) San José Clean Energy 2022 Integrated Resource Plan.

Recommendation:

Adopt a resolution:

- (a) Approving San José Clean Energy's 2022 Integrated Resource Plan compliance portfolio with carbon emissions below San José Clean Energy's proportional share of an aggregate electric sector planning target of 25 million metric tons of carbon emissions by 2035 for the submission to the California Public Utilities Commission; and
- (b) Authorizing the Director of Community Energy to use the findings from the San José Clean Energy Integrated Resource Plan modeling analysis to finalize, approve, and submit to the California Public Utilities Commission a San José Clean Energy 2022 Integrated Resource Plan that includes the energy compliance portfolio approved by City Council herein; and directing the Director of Community Energy to submit the final Plan with an information memorandum within 30 days of filing the Plan.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.
(Community Energy)

Attachments

[Memorandum](#)

[Resolution](#)

[Presentation - est. 10 minutes](#)

- 6.2 [22-1570](#) **City Initiatives Roadmap - Clean Energy Resilience: Agreements for Solar Power and Battery Storage.**

Recommendation:

Adopt a resolution:

(a) Authorizing the City Manager or designee to negotiate and execute:

(1) An agreement with Cascade Energy Storage LLC, a subsidiary of Broad Reach Power, to buy Resource Adequacy associated with a battery storage facility, for a term of 10 years in an amount not to exceed \$360,000 annually and \$3,600,000 in aggregate during Calendar Years 2023 through 2033, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds;

(2) An agreement with Noosa Energy Storage LLC, a subsidiary of Broad Reach Power, to buy Resource Adequacy associated with a battery storage facility, in an amount not to exceed \$2,600,000 annually and \$25,200,000 in aggregate during Calendar Years 2024 through 2034, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds;

(3) An agreement with Nova Power, LLC, a subsidiary of Calpine Corporation, to buy Resource Adequacy and Dispatchable Energy associated with a battery storage facility, for a term of 15 years in an amount not to exceed \$9,900,000 annually and \$148,500,000 in aggregate during Calendar Years 2025 through 2040, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds;

(b) Authorizing the City Manager or designee to negotiate and execute the following agreements to replace the Renewable Power Purchase Agreement between the City of San José and Edwards Solar V, LLC, dated December 16, 2019:

(1) An agreement with TGP Energy Management II, LLC, a subsidiary of Terra-Gen, LLC, to buy renewable energy associated with TGP Energy Management II's existing portfolio, for a term of 15 years in an amount not to exceed \$5,800,000 annually and \$94,000,000 in aggregate during Calendar Years 2023 through 2038, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds;

(2) An agreement with Enterprise Solar Storage II, LLC, a subsidiary of Terra-Gen, LLC, to buy Resource Adequacy and renewable energy associated with a solar and battery storage facility, in an amount not to exceed \$5,200,000 annually and \$77,800,000 in aggregate during Calendar Years 2025 through 2039, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds;

(3) An agreement with Enterprise Solar Storage III, LLC, a subsidiary

of Terra-Gen, LLC, to buy Resource Adequacy and renewable energy associated with a solar and battery storage facility, in an amount not to exceed \$11,600,000 annually and \$172,900,000 in aggregate during Calendar Years 2026 through 2040, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds; and

(4) An agreement with Enterprise Solar Storage II, LLC, a subsidiary of Terra-Gen, LLC, to buy Resource Adequacy associated with a solar and battery storage facility, in an amount not to exceed \$540,000 annually and \$6,300,000 in aggregate during Calendar Years 2025 through 2039, to be paid solely from the San José Clean Energy Operating Fund and subject to the annual appropriation of funds. CEQA: Not a Project. File No. PP17-003. Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Community Energy)

Attachments [Memorandum](#)
[Presentation - est. 10 minutes](#)

7. NEIGHBORHOOD SERVICES

7.1 [22-1571](#) **Grant Agreement with the California State Library for the Building Forward Library Infrastructure Grants.**

Recommendation: Adopt a resolution authorizing the City Manager to accept Building Forward Library Infrastructure grants and negotiate and execute a grant agreement with the California State Library, for a total award of \$8,668,887 to fund repairs at nine San José Public Library branches. CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Library)

Attachments [Memorandum](#)
[Memorandum from Cohen, 10/21/2022](#)
[Resolution](#)
[Presentation - est. 5 minutes](#)

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 [22-1572](#) Public Hearing and Approval of a Downtown High-Rise Residential Tax and Fee Waiver for Scape at 10 East Reed Street.

Recommendation: Conduct a public hearing to approve an economic development tax and fee waiver in connection with a reduction in construction taxes and a potential reduction of the Inclusionary Housing Ordinance in lieu fee for a downtown residential high-rise at 10 East Reed Street in the amount of up to \$9,856,585 pursuant to California Government Code Section 53083 and Open Government Resolution No. 77135 Section 2.3.2.6.C. CEQA: Determination of Consistency with Downtown Strategy 2040 Final Environmental Impact Report, as supplemented and addenda thereto, Planning File Nos. SP18-001 and SPA18-001-01. Council District 3. (Economic Development and Cultural Affairs/Housing)

Attachments [Memorandum](#)
 [Presentation - est. 5 minutes](#)
 [Letters from the Public](#)

9. REDEVELOPMENT – SUCCESSOR AGENCY

- Open Forum

If the Regular Session agenda items end after 6:00 p.m., this Open Forum will be held at the end of the full meeting concurrently with the Evening Session Open Forum. Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- Council will recess until 6:00 p.m.

10. LAND USE

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

10.1 Land Use on Consent Calendar

- (a) [22-1573](#) **PP22-009 - Uncodified Ordinance Extending Land Use and Historic Preservation Permits.**

Recommendation: Approve an uncodified ordinance to temporarily extend the term of specified land use and Historic Preservation Permits by two years from their expiration dates due to persistent adverse economic and public health impacts from the COVID-19 pandemic.
CEQA: Exempt pursuant to CEQA Guidelines Section 15378 for Not a Project. Planning Commission recommended approval (7-2-1 Barocio and Young opposed; Ornelas-Wise absent). (Planning, Building and Code Enforcement)

Attachments [Memorandum](#)
[Ordinance](#)

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

10.2 [22-1574](#) SP21-006, ER21-035, and T21-012 - Special Use Permit and Tentative Map for a Project Site Located at 1065 South Winchester Boulevard.

Recommendation:

(a) Adopt a resolution certifying the Environmental Impact Report for the 1065 South Winchester Boulevard Mixed Use Project and make certain findings concerning significant impacts, mitigation measures and alternatives, and adopting a statement of overriding considerations and a mitigation monitoring and reporting program, all in accordance with the California Environmental Quality Act, as amended.

(b) Adopt a resolution approving, subject to conditions, a Tentative Map to subdivide one lot with up to 70 residential condominium units, nine commercial condominium units, and one common area on the approximately 0.93-gross acre project site.

(c) Adopt a resolution approving, subject to conditions, a Special Use Permit to allow the demolition of an existing single-family residence, barn, and accessory buildings, the removal of 30 ordinance-size and 19 non-ordinance trees, and construction of a six-story, mixed-use building consisting of up to 70 residential condominium units and nine commercial condominium units with approximately 20,410 square feet of commercial space including one podium parking level and one underground parking level and associated landscaping and amenities. CEQA: Environmental Impact Report for the 1065 South Winchester Boulevard Mixed Use Project. Planning Commission recommends approval (8-1; Ornelas-Wise opposed). Council District 1. (Planning, Building and Code Enforcement)

Attachments

[Memorandum](#)

[Memorandum from Jones, 10/22/2022](#)

[\(a\) Resolution](#)

[\(b\) Resolution](#)

[\(c\) Resolution](#)

[Presentation - est. 5 minutes](#)

[Letters from the Public](#)

10.3 [22-1575](#)

DA22-001 - Third Amendment to the Development Agreement with Jackson-Taylor Partners, LLC for the Japantown Corporation Yard Redevelopment Project (Ordinance No. 29528).

Recommendation:

(a) Approve an ordinance approving the Third Amendment to the Development Agreement with Jackson Taylor Partners, LLC, to amend sections: (i) Section 3.C(1) Developer's Creation of Separate Parcels; (ii) Section 3.C(4) Design Review of Performance Center; (iii) Section 3.C(5)(a), (iv) Section 3.C(5)(b), (v) Section 3.C(5)(c), (vi) Section 3.C(5)(d), and (vii) Section 4.D Legal Actions.

(b) Adopt a resolution authorizing the City Manager, or her designee, to negotiate and execute a Ground Lease between the City of San José and ICS Corporate Yard Multifamily, LLC consistent with the terms in the Third Amendment to the Development Agreement with Jackson Taylor Partners, LLC (now assigned to ICS Corporate Yard Multifamily, LLC).

CEQA: Determination of Consistency with the Japantown Corporation Yard Redevelopment Project Environmental Impact Report, adopted by City Council Resolution No. 74384, and addendum thereto. Planning Commission recommends approval (8-0-1; Cantrell absent). Council District 3. (Planning, Building and Code Enforcement)

Attachments

[Memorandum](#)

[Supplemental Memorandum, 10/18/2022](#)

[Memorandum from Peralez, 10/21/2022](#)

[Ordinance](#)

[Presentation - est. 10 minutes](#)

- **Open Forum**

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- **Adjournment**

- **Notice of City Engineer's Pending Decision on Final Maps**

FOR RECEIPT:

Tract: 10569

Location: S/E corner of S. First Street and E. Reed Street

District: 3

Lots/Units: 1/340

Type: MFA

Developer: Scape San Jose LLC

Tract: 10605

Location: S/E corner of East Santa Clara Street and South 3rd Street

District: 3

Lots/Units: 1/41

Type: MFA

Developer: RSTP Investments LLC

Tract: 10597

Location: W/S of Capitol N. Capitol Ave., 270' south of Berryessa Road

District: 4

Lots/Units: 1/6

Type: MFA

Developer: Avery Bay Real Estate Development

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the total amount of time allocated for public testimony for each public speaker or for an agenda item is in the discretion of the Chair of the meeting and may be limited when appropriate. (California Government Code Section 54954.3; Council Policy 0-37) Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss only the agenda item when called to speak for that item, and only topics related to City business when called to speak during open forum on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.